

REMARKS

Upon entry of the present amendment, claims 2 and 10 will have been canceled and the recitations thereof incorporated into independent claims 1 and 9. Additionally, a new title as well as a new abstract will have been submitted for entry into the present application. Further, the disclosure will have been revised in order to eliminate language informalities as well as to eliminate the "embedded hyperlink".

Furthermore, the claims in the present application will have been amended to clarify the recitations thereof without significantly narrowing the scope of the claims. In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding objections and rejections set forth in the above mentioned Official Action. Such action is now believed to be appropriate and proper and is thus respectfully requested.

Initially, Applicants wish to respectfully thank the Examiner for acknowledging their claim for foreign priority under 35 U.S.C. § 119 as well as for confirming that the certified copies of the priority documents have been received.

Additionally, Applicants respectfully thank the Examiner for confirming consideration of the disclosure materials cited in the Information Disclosure Statements filed the present application on May 10, 2005 and March 23, 2007 by the return of the signed and initialed PTO-1449 forms attached to each of the above noted Information Disclosure Statements.

In the outstanding Official Action, the Examiner objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5). The Examiner asserted that the reference character 100 was missing from the drawings. By the present response, Applicants are submitting a replacement

sheet containing figure 1 in which the reference character 100 has been added. Accordingly, Applicants respectfully request withdrawal of the objection to the drawings.

In the outstanding Official Action, the Examiner objected to the title as not being descriptive of the present invention. By the present response, Applicants have submitted a new title which is more clearly directed to the claimed invention.

In the Official Action, the Examiner objected to the Abstract. In response, Applicants have submitted a new Abstract which is free from the informalities noted by the Examiner. Applicants respectfully request entry of both the new title and the new Abstract in the present application.

In the outstanding Official Action, the Examiner objected to the disclosure because of an informality and due to an "embedded hyperlink". In view of the herein contained amendments to the specification, it is respectfully submitted that the bases for the Examiner's objection thereto have been overcome and an action to such effect is respectfully requested, in due course.

In the outstanding Official Action, the Examiner rejected claim 11 under 35 U.S.C. § 112, second paragraph as being indefinite. In view of the amendments to the claims introduced by the present response, it is respectfully submitted that the limitation noted by the Examiner now has proper antecedent basis. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

In the outstanding Official Action, the Examiner rejected claims 1 and 9 under 35 U.S.C. § 102(b) as being anticipated by ICHIURA et al. (U.S. Patent No. 5, 734, 780). Claims 2, 4, 5, 7, 8, 10, 12, 13, 15, and 16 were rejected under 35 U.S.C. § 103 as being unpatentable over ICHIURA et al. in view of MARCUS (U.S. Printed Patent Publication No. 2002/0092019). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over ICHIURA et al. in

view of MARCUS and further in view of JOHNSON (U.S. Patent No. 6,456,234). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over ICHIURA et al. in view of Johnson

Applicants respectfully traverse each of the above noted prior art rejection and submit that they are inappropriate with respect to the claims pending in the present application. In particular, Applicants respectfully submit that none of the references cited by the Examiner in the outstanding Official Action contain disclosures that are adequate or sufficient to render unpatentable any of the claims pending in the present application. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding prior art rejections set forth by the Examiner, together with an indication of the allowability of all of the claims pending the present application, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

Applicants' invention is directed to a terminal apparatus and an information playback method as defined by independent claims 1 and 9 and those claims dependent thereupon. Utilizing the combination of features recited in Applicants' claim 1 as a non-limiting example of Applicants' invention, the terminal apparatus to which the present bench is directed includes a storage section that stores stored content a content receiving section that receives content by broadcast or communication, a received content storage section that stores the received content and a playback section that plays back the stored content or the received content. A playback control section controls the playback section to switch between playing back the stored content and playing back the received content. A content list management section manages a content list storing at least one or more combinations of an address of content related to a location within a predetermined area, and the location, a location detector section detects current location information and a received content determination section determines content that should be

received from the content list based on the current location information. The content receiving section receives content relating to a current location determined by the received content determination section and a playback control section controls the playback section to switch between playing back the received content and playing back the stored content.

It is respectfully submitted that the above noted combination of features, which are presented as a nonlimiting example of Applicants' invention, are not taught, disclosed or suggested any proper combination of the references relied upon by the Examiner. In particular, the prior art of record does not disclose a terminal apparatus (i.e. a receiver) that includes a content list management section, a location detection section and a received content determination section as recited, in particular in, Applicants' pending claims.

ICHIURA et al. relates to a recording/reproducing device which receives an FM multiplex signal comprising a sub carrier or a DARC signal and outputs traffic information after detecting an intermission. According to a first embodiment of ICHIURA et al. an optical disk information reproducing device produces video information recorded on a compact disc or a digital video disc and outputs a video signal to an intermission/chapter detecting circuit. This circuit outputs a video signal to a switch 20 and upon detection of an intermission signal or a chapter signal, which is an intermission of optical disk information, outputs an information intermission detect signal to control circuit 32. In response to a mode select signal from a specific information reception selecting switch, a specific information detect signal from a specific information update detecting circuit and an information detect signal from the information/chapter detecting circuit, the control circuit outputs an output control signal to control the switching operation of the switch

In setting forth the rejection, the Examiner explicitly admitted that ICHIURA et al. does not disclose storing a location in combination with the content and determining content that should be received based on the current location information and wherein the content receiving section receives content relating to a current location determined by the received content determination section. The Examiner then relied on MARCUS to disclose the above noted features that are missing from ICHIURA et al.. However, MARCUS does not supply the deficiencies of the primary ICHIURA et al. reference, relied upon by the Examiner.

MARCUS discloses a method and apparatus for creation, distribution, assembly and verification of media. In the section noted by the Examiner, MARCUS describes a system that operates in conjunction with a GPS system wherein the location of the subscriber is made known to the system. In wide bandwidth delivery systems or in systems otherwise capable of delivering highly customized programming, this information can be inserted into the delivered program stream. The positions of the local insertions are made by use of a triggering element in the programming stream which call them up and insert them over some default programming of the same length (paragraph [0168]). However, MARCUS does not disclose those features, of the combination of features, recited in Applicants claims that are not disclosed by the ICHIURA et al. reference relied upon by the Examiner as the primary reference for all the rejections in the present application.

As previously noted Applicants' claim 1 recites a terminal apparatus that includes, inter alia, a content list management section that manages a content list storing at least one or more combinations of an address of content relating to a location within a predetermined area and the location. The terminal apparatus of Applicants claim further requires a location detection section that detects current location information. Additionally, the terminal apparatus includes a

received content determination section that determines content that should be received from the content list based on the current location information. The terminal apparatus of the present invention additionally requires that the content receiving section receives content relating to a current location determined by the received content determination section, and that the playback control section controls the playback section to switch between playing back the received content and playing back the stored content.

MARCUS teaches that correct informational, promotional, or advertising messages can be inserted into the delivered program stream. However, MARCUS does not disclose a receiver that stores content, plays back the stored comment and includes a switch that switches between playing back the received content and playing back to stored content.

Moreover, MARCUS merely discloses inserting advertising messages into the delivered program stream as a delivered program and playing back the advertising messages at a receiver. According to the teachings of MARCUS, the transmitting side apparatus, i.e. the transmitter or broadcaster or other apparatus, determines information relating to the position and inserts the information into the program stream. Accordingly, according to the disclosure of MARCUS, information relating to the position is inserted at the transmitting side. Thus, the according to MARCUS receiver, terminal apparatus or receiving side apparatus does not have a content list management section, a position detection section, and a received content determination section as required by the recitations of Applicants' claims.

Moreover, even if the teachings of MARCUS and ICHIURA et al. were to be combined, the receiver side apparatus would still not include a content list management section, a position detection section and a received content determination section, all of which are explicitly recited features of the presently recited terminal apparatus. Accordingly, neither MARCUS nor

ICHIURA et al., whether considered individually or whether considered in any proper combination, can disclose the above noted combination of features which define Applicants' invention.

Regarding the rejections based upon JOHNSON as a secondary reference, Applicants note that JOHNSON can also not overcome or supply the admitted deficiencies of ICHIURA et al.. Accordingly, at least because each of these dependent claims against which JOHNSON is applied, are patentable over the combination of ICHIURA et al. and MARCUS, it is respectfully submitted that the addition of JOHNSON to these rejections cannot render the presently claimed invention unpatentable.

Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding objections and rejections set forth in the above-mentioned Official Action together with an indication of the allowability of all of claims 1 , 3-5, 7-9, 11-13, 15 and 16, in due course.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended the specification and claims. Applicants have additionally submitted a new title and abstract. Applicants have amended the claims to clarify the recitations thereof.

Applicants have additionally discussed the features of Applicants' invention, have compared the same with the disclosures of the references relied upon by the Examiner and discussed the outstanding rejections. Applicants have additionally noted the explicit features of Applicants' invention recited in the pending claims but missing from the disclosure or teachings of the relied upon references. Accordingly, Applicants have set forth a clear and convincing evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect, in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

P26640.A03

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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